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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,883	09/28/2001	John S. Hendricks	3960.D17	2102

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,883

Applicant(s)

HENDRICKS, JOHN S. 

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 10-29 of this application. Applicant has claimed priority from application 08/160,194 filed on 12/09/1993. However, applicant is not entitled to the priority of the cited application as he fails to provide adequate support for the claims in the present application. The new priority date for this application is from application 08/336,247 filed on 11/07/1994.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellweger (US 5,630,125) in view of Wojcik et al (US 5,666,493).

Zellweger teaches a method for tracking purchases of electronic books (electronic catalog), including the steps of: storing identifications of a plurality of electronic books for display on a viewer (fig. 8); associating each of the electronic books with a source; providing the electronic books for purchase by subscribers (col. 29, lines 6-14, fig. 14). Zellweger does not teach recording an indication of purchases of the electronic books and associating an amount of each purchase with the source for the corresponding electronic book but Wojcik et al teach an

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electronic catalog information and storage that maintains records on purchasing transactions with the request for items, releases those purchase order requests, and notes the receipt of the items, the electronic catalog also notes location by company, division, department, user and approval hierarchy (col. 20, lines 3-13). Furthermore, Wojcik et al teach an electronic catalog that may be updated by vendors, including price updates if there is approval for that practice with the vendor (col. 19, lines 62-64), an electronic catalog that work throughout this network to update accounts payable as well as to show when there has been a payment to or by a vendor (col. 20, lines 16-19, fig. 40), Wojcik et al teach a flashpoint software having various files created for the order fulfillment function used by a customer service representative (col. 5, lines 9-12, fig. 3).

From this teaching of Wojcik, it would have been obvious to one of ordinary skill in the art to utilize the recording of purchase and the amount associated with the purchase as taught by Wojcik et al into the system of Zellweger because it would allow the system manager or host to verify the information recorded for inventory purposes by being able to rapidly give details about stock remaining etc.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shkedy (US 6,260,024) teaches a method and apparatus for facilitating buyer-driven purchase orders on a commercial network.
- Munyan (US 5,761,485) teaches a personal electronic book system.

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- Fernandez (US 4,855,725) teaches a microprocessor based simulated book including a personal computer.
- Himeno et al (US 2003/0093382) teach a method for producing/selling book using network and producing/selling system.
- Ukita et al (US 2003/0093336) teach information processing apparatus and method, information processing system and method, and program.
- Alger et al (US 2003/0018543) teach a client portal that includes a browser dedicated to performing a particular task, such as reviewing and purchasing electronic books.
- Hendricks (US 6,557,173) teaches a portable electronic book viewer.
- Hendricks (US 5,986,690) teaches an electronic book selection and delivery system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau
Examiner
Art Unit 3627

*Lynda Sesmin 9/18/04
Primary Examiner*

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